

POLICY GOVERNING VOLUNTARY SEPARATION

1. Resignation

a. General. Officers serve at the pleasure of the President and no terminal dates are established for their commissions. SECNAV, by virtue of his authority to act for the President, may establish such criteria for the voluntary resignation of an officer's commission as deemed necessary for the maintenance of a sound officer corps.

b. Submission of Requests. CHNAVPERS and DC/S (M&RA) shall establish procedures for the submission of individual resignation requests.

c. Processing resignation requests. CHNAVPERS and DC/S (M&RA) may, on behalf of the Secretary, accept voluntary resignations for reasons authorized in paragraph 5 of this enclosure following the guidelines in subparagraphs (1) through (3).

(1) CHNAVPERS and DC/S (M&RA) may deny, for the Secretary, requests that do not satisfy the criteria set forth in paragraphs 4 and 5 of this enclosure. In addition, requests for voluntary resignation for reasons specified in paragraph 5 of this enclosure will normally be denied when:

(a) The officer does not comply with the procedures established by CHNAVPERS and DC/S (M&RA) for the submission of individual resignation requests.

(b) The officer has not completed all service prescribed in the officer program through which accessed and which was incurred by the officer in consideration for being tendered an initial appointment.

(c) CHNAVPERS or DC/S (M&RA) has determined that a significant personnel shortage in the officer's competitive category, designator, occupational field, military occupational specialty (MOS), or other authorized officer classification constitutes a compelling military necessity requiring the officer's retention.

13 DEC 1999

(d) The officer has not completed obligated service incurred for advanced education or technical training requiring additional obligated service, including postgraduate education, service school or college, law school, medical residency, flight training, naval flight officer training, and equivalent programs.

(e) The officer has been officially notified of orders, or has executed orders and has not served the required period of time at the new duty station, as prescribed by CHNAVPERS or DC/S (M&RA).

(f) The officer has not completed obligated service incurred as a result of:

1. Transfer into the Regular Navy or Marine Corps,
2. Lateral transfer between competitive categories or designators,
3. Entering a program, or
4. Receiving an incentive pay, continuation pay, or bonus.

(2) A resignation has no effect until accepted by the Secretary or by CHNAVPERS or DC/S (M&RA) when acting on behalf of the Secretary.

(3) Guidelines for officers being considered for separation for cause under enclosure (3) are contained in paragraph 11 of enclosure (4).

d. Characterization of Service. Generally, officers whose resignations are accepted by SECNAV for any reason set forth in paragraph 5 of this enclosure shall be honorably discharged from the component of which they are members. Discharge may be General (Under Honorable Conditions) or Other Than Honorable when an officer requests such characterization and such characterization is consistent with guidelines contained in enclosure (5) of this instruction.

2. Release of Reserve Officers from Active Duty. CHNAVPERS or DC/S (M&RA) may, acting for the Secretary, release Reserve

officers upon their request from active duty for reasons set forth in paragraph 5 of this enclosure, unless processing for separation for cause under paragraph 1 of enclosure (3) is warranted.

3. Regular Officers Requesting Reserve Commissions Upon Resignation

a. Regular officers requesting resignation under the provisions of this enclosure who have completed the statutory service obligation referred to in paragraph 4a of this enclosure and who request a Reserve commission upon resignation from the Regular Navy or Marine Corps shall normally be tendered such a commission, provided a requirement exists for the officer's skill in the grade and competitive category in which the officer would serve in the Naval or Marine Corps Reserve. CHNAVPERS and DC/S (M&RA) shall neither tender nor award Reserve commissions to such officers whose voluntary resignation request is incident to separation in lieu of trial by court-martial under enclosure (3) or in lieu of separation for cause processing under enclosure (4).

b. The Marine Corps Reserve has no limited duty officers (LDOs). Marine Corps Regular LDOs requesting resignation from the Regular Marine Corps who request a Reserve commission shall normally be tendered such a commission in the warrant officer grade they would have held had they been serving as a warrant officer in the Regular Marine Corps, provided a requirement exists for their MOS in that grade in the Marine Corps Reserve.

c. Regular officers whose requests for Reserve commissions are approved shall be assigned in the Ready Reserve upon resignation from the Regular Navy or Marine Corps and acceptance of the appointment in the Naval or Marine Corps Reserve.

4. Statutory Service Obligation

a. Under the guidance provided by Department of Defense (DoD) Directive 1304.25 of 25 August 1997 (NOTAL), each person who becomes a member of the Armed Forces on or after 1 June 1984 shall serve in the Armed Forces for a total of 8 years. Any part of the service obligation that is not performed on active duty shall be performed in a Reserve component.

b. Except for reasons of dependency or hardship (paragraph 5d(1) of this enclosure), resignation requests from Regular

13 DEC 1999

officers who have not completed the statutory service obligation referred to in paragraph 4a of this enclosure will normally be approved only upon acceptance of a Reserve commission that shall be held at least until completion of such service.

c. Except for reasons of dependency or hardship or for discharge to become a minister (paragraphs 5d(1) and 5h of this enclosure), resignation requests from Reserve officers who have not completed the statutory service obligation referred to in paragraph 4a of this enclosure will normally be denied by CHNAVPERS or DC/S (M&RA). However, Reserve officers who are serving on active duty may be voluntarily released from active duty for reasons set forth in paragraph 5 of this enclosure and transferred to the Ready Reserve until completion of that obligation, unless medical reasons preclude such transfer. CHNAVPERS or DC/S (M&RA) shall accomplish such releases from active duty under the provisions of section 12313 of reference (a) and this instruction.

d. CHNAVPERS and DC/S (M&RA) may waive active obligated service incurred for technical training in cases where a member who has completed technical training is permanently disqualified for operational services in his or her designator, warfare specialty, military occupational specialty, or special qualification through no fault of the member.

5. Reasons for Voluntary Separation

a. Expiration of Statutory Service Obligation. An officer may be separated upon completion of the statutory service obligation referred to in paragraph 4a of this enclosure provided the officer has no other obligated service.

b. Expiration of Obligated Service. An officer may be separated upon completion of all service prescribed in the officer program through which accessed, any other obligation incurred by the officer in consideration for being tendered an initial appointment, and any additional obligated service incurred by the officer while serving on active duty, or in an active status in the Ready Reserve.

c. Change of Career Intention. Some officers who completed their minimum service requirement and then decided to remain on active duty intending to serve full careers may later seek

separation before attaining retirement eligibility to pursue a civilian career. Officers who submit resignations after continuing in service beyond their minimum service requirement shall be separated for Change of Career Intention unless retention is warranted by the criteria set forth in paragraph 1c(1) of this enclosure.

d. Convenience of the Government. An officer may be separated for the Convenience of the Government for the reasons set forth below. Separation of an officer for the Convenience of the Government is subject to the resolution of any outstanding disciplinary actions involving the officer.

(1) Dependency or Hardship. Separation of an officer may be directed when genuine dependency or undue hardship exists under the following circumstances:

(a) The hardship or dependency is not temporary;

(b) Conditions have arisen or have been aggravated to an excessive degree since entry into the service, and the officer has made every reasonable effort to remedy the situation;

(c) Separation will eliminate or materially alleviate the condition; and

(d) There are no other means of alleviation reasonably available.

(2) Pregnancy or Childbirth. A pregnant officer may request separation from active duty. Requests for separation will not normally be approved unless there are extenuating circumstances or the request otherwise complies with criteria for separation contained in this instruction. CHNAVPERs and DC/S (M&RA) will prescribe the maximum period possible for eligible officers to consider this course of action, in order to minimize subsequent separations for parenthood or dependency and provide prompt replacement of separated personnel. The chain of command shall ensure that service members will be afforded the opportunity to take advantage of available legal assistance for advice regarding their options in establishing paternity.

13 DEC 1999

(3) Conscientious Objection. An officer shall be separated if authorized under DOD Directive 1300.6, "Conscientious Objectors," of 20 August 1971 (NOTAL).

(4) Surviving Family Member. An officer shall be separated if authorized under DOD Directive 1315.15, "Special Separation Policies for Survivorship," of 26 September 1988 (NOTAL).

(5) Separation of Aliens. An officer who is an alien, an individual who is neither a natural born nor a naturalized citizen of the United States, may be separated on the basis of being an alien who no longer wishes to serve.

(a) The request will normally be denied when retention is warranted by the criteria set forth in paragraph 1c(1) of this enclosure.

(b) Notwithstanding the limitations in subparagraph 5d(5) (a), a request for separation may be approved when, in the judgment of CHNAVPERs or DC/S (M&RA), the applicant has demonstrated overriding and compelling factors of a personal need which justify separation.

(6) Separation to Accept Public Office. Unless retention is warranted by the criteria set forth in paragraph 1c(1) of this enclosure, an officer who has completed the obligated service referred to in paragraph 5b of this enclosure may be separated for the purpose of performing the duties of the President or Vice President of the United States; a Presidential appointee to a statutory office; a member of either of the legislative bodies of the U.S.; a Governor; any other state official chosen by the voters of the entire state or states; or a judge of courts of record of the U.S., the states, or the District of Columbia.

(7) Officers Married to Other Service Members. Unless retention is warranted by the criteria set forth in paragraph 1c(1) of this enclosure, an officer may be separated who has completed the obligated service, referred to in paragraph 5b, and who cannot be stationed near enough to the spouse to permit the maintenance of a joint residence.

(8) Separation to Attend College. At the discretion of CHNAVPERs or DC/S (M&RA), officers may be separated for the

13 DEC 1999

purpose of enrolling in a full-time course of study leading to a baccalaureate degree or graduate degree, provided such separation occurs within 90 days of the date of expiration of the obligated service, referred to in paragraph 5b of this enclosure, and retention is not warranted by the criteria set forth in paragraph 1c(1) of this enclosure.

e. Interservice Transfers. CHNAVPERS or DC/S (M&RA) may act upon requests for interservice transfers under the following guidelines, when both the losing and gaining services agree. When the two services disagree, the applications will be submitted to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) with recommendations and supporting rationale.

(1) Interservice Transfers to Another Military Department. An officer may be separated from the service for the purpose of transfer to another military department under SECNAVINST 1000.7D upon expiration of any obligated service, referred to in paragraph 5b of this enclosure, unless retention is warranted by the criteria set forth in paragraph 1c(1) of this enclosure.

(2) Interservice transfers within the Department of the Navy. Interservice transfers between the Navy and the Marine Corps may be authorized under SECNAVINST 1000.7D, normally upon expiration of any obligated service, referred to in paragraphs 1c(1) and 5b of this enclosure.

f. Selected Changes in Service Obligations. An officer may be separated under specific programs established by the CNO or CMC permitting separation within 90 days of the date of expiration of active obligated service. Such programs shall have as objectives the maintenance of prudent management flexibility and the conservation of limited resources. An example of such a program is the release of an officer from active duty prior to extended deployment to avoid separation outside the continental United States. The CNO and CMC shall submit to the Secretary, for approval and incorporation into this instruction, the reasons for separation under these programs prior to their implementation. The following reasons for separation are authorized under this paragraph when CHNAVPERS or DC/S (M&RA) determines that such separations are more economical or efficient for the Government:

(1) Separation Upon Completion of Overseas Tours. Officers having less than 90 days of obligated service, referred

13 DEC 1999

to in paragraph 5b of this enclosure, remaining upon completion of an overseas tour other than Hawaii, may be separated upon completion of that tour, unless retention is warranted by the criteria set forth in paragraph 1c(1) of this enclosure.

(2) Separation for Major Federal Holidays. Officers whose obligated service, referred to in paragraph 5b of this enclosure, expires during a Federal holiday program established by the CNO or CMC may be separated at the commencement of that program, unless retention is warranted by the criteria set forth in paragraph 1c(1) of this enclosure.

g. Retirement. An officer may be retired if requested and if eligible and authorized under SECNAVINST 1811.3M or SECNAVINST 1820.2B.

h. Discharge of A Reservist to Become A Minister. An officer who becomes a regular or ordained minister of a religious faith group is entitled, upon his/her request, to be discharged from the Naval or Marine Corps Reserve per section 12682 of reference (a), if the officer satisfactorily establishes that:

(1) He or she will, or does regularly, engage in religious preaching and teaching;

(2) The ministry is, or will be his or her main and primary calling--a vocation rather than an avocation;

(3) His or her standing in the congregation is, or will be, recognized as that of a minister or leader of a group of lesser members; and

(4) His or her religious faith group is organized exclusively or substantially for religious purposes.

i. Failure to Receive Initial Appointment Benefits. Newly appointed officers may be separated at their request or with their consent for failure or inability on the part of the Naval Service to give the benefits promised incident to initial appointment; e.g., service credit or entry grade. The screening for mobilization potential specified in paragraph 12 of enclosure (3) for Reserve component officers is not applicable. Newly appointed officers separated for this reason have not served the statutory service obligation prescribed in DOD Directive 1304.25 of 25 August 1997 (NOTAL).

13 DEC 1998

j. Expiration of Term of Active Duty Order In The Case of Reservists. Reservists may be released from active duty at the expiration of their term of service specified in their order to active duty.

6. Expungement of Resignations from Officer Service Record

a. CHNAVPERS and DC/S (M&RA) will, upon their approval of an officer's written request to withdraw a resignation, expunge the following from the officer's official record:

(1) For officers on active duty - resignations, disapproved resignations, and related correspondence in its entirety.

(2) For officers who resign and subsequently return to active duty in the Naval Service - portions of resignation correspondence which contain reasons for resignation. Such expungements will include portions from letters of intent to resign and letters of resignation and endorsements.

b. Other resignation-related material such as separation orders, fitness reports, and DD 214, Certificate of Release or Discharge from Active Duty, will not be expunged.